



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,025	08/14/2000	Ashok N. Rudrapatna	RUDRAPATNA-8	8832

32361 7590 01/13/2003

GREENBERG TRAURIG, LLP  
885 3RD AVENUE  
NEW YORK, NY 10022

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/638,025

Applicant(s)

RUDRAPATNA, ASHOK N.

Examiner

Tu X Nguyen

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 8-10, 12-17 and 19-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Honcharenko et al. (US Patent 6,349,217).

Regarding to claims 1, 9-10, 12, 14-17, 19 and 21-23, Honcharenko et al. disclose a wireless data communication system comprising:

an array of antenna elements for transmitting and/or receiving a narrow, high gain beam with respect to a mobile unit (see abstract);

a beamformer for forming said narrow, high gain beam (see abstract);

a radio resource controller coupled to said beamformer for determining and allocating radio resources (see col.6 lines 27-45); and

a detector element for detecting data characteristics associated with said mobile unit, said detector element being operatively couple to said radio resource controller (see col.1 lines 55-58 and col.6 lines 47-61).

Regarding to claims 2, 13, 20, Honcharenko et al. disclose a signal-to-noise ratio detector for detecting a signal-to-noise ratio of a connection between said antenna element and said mobile unit (see col.5 lines 35-55).

Art Unit: 2682

Regarding to claims 4-5, Honcharenko et al. disclose a transmitter for transmitting forward link data communications to said mobile unit (see col.6 lines 51-61).

Regarding to claim 6, Honcharenko et al. disclose array of antenna elements is an adaptive antenna array (see col.4 lines 29-36).

Regarding to claim 8, Honcharenko et al. disclose a processor for processing signals received from said mobile unit (see col.1 lines 30-31).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honcharenko et al. and further in view of Cook, Jr. (US Patent 5,025,493).

Regarding to claim 7, Honcharenko et al. fail to disclose array of antenna elements is a switched beam antenna array.

Cook, Jr. discloses array of antenna elements is a switched beam antenna array (see abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Honcharenko et al. with the above teaching of Cook, Jr. in order to reduce

Art Unit: 2682

crosstalk between two orthogonal tracking channels, offset beam control versus frequency, and a wide frequency bandwidth.

5. Claims 3, 11, 18, 24 and 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Honcharenko et al. and further in view of Siira (US Patent 6,353,601).

Regarding to claims 3, 11, 18, 24, Honcharenko et al. fail to disclose a mobile position locator for locating the position of said mobile unit.

Siira discloses a mobile position locator for locating the position of said mobile unit (see abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Honcharenko et al. with the above teaching of Siira in order to set up an optimum connection, in which method the location of the subscriber terminal in the cellular radio system is calculated, and wherein the base station orients its antenna beam towards the subscriber terminal on the basis of the subscriber terminal location data.

Regarding to claim 26, the modified Honcharenko et al. disclose data characteristics include a data rate (see Honcharenko et al., col.1 lines 55-58).

Regarding to claim 27, the modified Honcharenko et al. disclose a signal-to-noise ratio detector for detecting a signal-to-noise ratio of a connection between said antenna element and said mobile unit (see Honcharenko et al., col.5 lines 35-55).

Art Unit: 2682

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honcharenko et al., in view of Siira and further in view of Kong et al. (US Patent 6,473,619).

Regarding to claim 25, Honcharenko et al. fail to disclose location is detected at said mobile unit.

Kong et al. disclose location is detected at said mobile unit (see col.13 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Honcharenko et al. with the above teaching of Kong et al. in order to provide the mobile determines its location and transmits to a base station if the base station requests such information.

7. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honcharenko et al., in view of Siira and further in view of Logan et al. (US Patent 5,721,827).

As to claims 28-29, the modified Honcharenko et al. fail to disclose mobile unit downloading/uploading a data file form an Internet server.

Logan et al. disclose mobile unit downloading/uploading a data file form an Internet server (see col.5 lines 50 through col.6 line 44). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of modified Honchrenko et al. with the above teaching of Logan et al. in order to provide internet access and data transfer via wireless communications.

Art Unit: 2682

### Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231


**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

December 27, 2002

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600